

REMARKS

In response to the Office Action mailed May 21, 2004, Applicant respectfully requests reconsideration.

To further the prosecution of this application, amendments have been made to page 18 of the written description of the specification as illustrated above. Specifically, Applicant has changed several occurrences of the term "module" to --absolute value--, as supported in Fig. 4, step 45. Further, Applicant has changed several occurrences of the term "current" to --present-- to make it clear that this term is being used in the temporal context, not in the electrical context. No new matter has been added by these amendments. The Examiner is respectfully requested to approve these amendments.

By this amendment, Applicant has amended claims 5 and 9 and added claims 12-37. Claims 1-37 are pending for examination, of which claims 1, 5, 15 and 25 are independent.

1. Claims 5-10 as Amended Satisfy the Requirements of §112, Second Paragraph

Claims 5-10 stand rejected under 35 U.S.C. §112, second paragraph because claims 5-10 allegedly are dependent method claims depending on an independent apparatus claim 1.

In response, Applicant has amended claim 5 to be in independent form, to include the limitations from independent claim 1, including minor changes for clarification.

Accordingly, Applicant respectfully requests that the rejection of claims 5-10 under §112, second paragraph, be withdrawn. As there are no other rejections of claims 5-10, Applicant respectfully submits that claims 5-10 are in condition for allowance. Further, claim 11, which depends from claim 9 is in condition for allowance for at least the same reasons.

2. Claims 1-4 and 12-14 Patentably Distinguish Over Wuidart

Claim 1 stands rejected (page 4, Section 2) under 35 U.S.C. §102(e) as purportedly being anticipated by U.S. Patent No. 6,650,226 ("Wuidart"). Applicant respectfully traverses this rejection.

2.1 Discussion of Wuidart

Wuidart is directed to the detection by a transponder of the distance separating it from a terminal and, more specifically, of the transponder position with respect to a distance threshold of the terminal (Col. 1, lines 24-28). Wuidart describes a terminal 1' including an oscillating

circuit formed of an inductance L1 in series with a capacitive element 24 and resistor R1. (Col. 6, lines 12-17; Fig. 4). Regulation of the current phase in the oscillating circuit includes use of a circuit 23 that measures the current through the oscillating circuit. (Col. 6, lines 31-33, line 64-Col. 7, line 2; Fig. 4). Circuit 23 provides a signal MES representing the measured current to a phase comparator 21. The phase comparator compares the phase of the measured current with a reference signal REF derived from oscillating signal OSC provided, for example, from a quartz oscillator (not shown). (Col. 7, lines 10-12; Col. 6, lines 21-23; Fig. 4). A distance of a transponder from the terminal 1' may be deduced from a variation in the impedance of the oscillating circuit, by sampling the current and/or voltage in the oscillating circuit. (Col. 8, lines 18-30).

Contrary to the assertions of the Office Action, (Section 2, page 4, bottom-page 3, top), Wuidart does not disclose means for comparing present values of a current in the oscillating circuit and the voltage thereacross to predetermined values for these variables. Rather, Wuidart describes regulating a current phase of the oscillating circuit by comparing a present value of the measured current in the oscillating circuit with the *present* value of the reference signal REF, not a *predetermined* value. Further, although Wuidart describes measuring the voltage in the oscillating circuit, Wuidart does not disclose comparing this voltage to any value.

The Office Action asserts that Wuidart teaches means for comparing present values of the voltage and current of the oscillating circuit with predetermined values in Figs. 8 and 10 and the descriptions thereof at Col. 9, lines 14-19 and 38-42, respectively. Applicant respectfully disagrees. Fig. 8 and Col. 9, lines 14-19 illustrate an example of a voltage/distance characteristic of a voltage V' across capacitor C of an oscillating circuit, and shows a value Va' corresponding to the absence of any transponder in the terminal's field. Fig. 10 and Col. 9, lines 38-42 illustrate the current/distance characteristic of a current I in the oscillating circuit and the value Im corresponding to the absence of any transponder in the electromagnetic field. These figures are provided merely for illustration, and do not represent *actual* comparisons performed by terminal 1'. That is, neither figure or cited passage disclose means included in the terminal 1' for *actually* comparing the voltage V and/or the current I to the values Va' and/or Im, respectively.

2.2 Claim 1 Patentably Distinguishes Over Wuidart

Claim 1 is not anticipated by Wuidart because Wuidart does not teach or suggest a terminal for generating an electromagnetic field adapted to communicating with at least one transponder entering this field, including, *inter alia*, an oscillating circuit adapted to being excited by a high-frequency remote supply signal of the transponder, means for measuring variables linked to a current in the oscillating circuit and to the voltage thereacross, and *means for comparing present values of these variables with predetermined values*, as recited in claim 1. Rather, Wuidart describes comparing the present value of a current in the oscillating circuit to a present value of an oscillating reference signal, and does not describe comparing the present value of the voltage to any value.

In view of the foregoing, claim 1 patentably distinguishes over Wuidart. Accordingly, Applicant respectfully requests that the rejection of claim 1 under §102(e) be withdrawn. Claims 2-4 and 12-14 each depend from claim 1 and are patentable for at least the same reasons. Accordingly, Applicant respectfully requests that the rejection of claims 2-4 under §102(e) be withdrawn.

3. New Claims 12-37 Patentably Distinguish Over Wuidart

As should be clear from the discussion of Wuidart set forth above in Section 2, Wuidart does not disclose all of the limitations recited in claim 15. Specifically, Wuidart does not disclose a method of determining whether at least one transponder is present in an electromagnetic field generated by an oscillating circuit, comprising measuring at least one present value of at least one electrical property of the oscillating circuit, and comparing the at least one present value *with at least one previously measured value of the at least one electrical property that was measured when no transponder was present in the electrical magnetic field*, as recited in claim 15.

As should be clear from the discussion of Wuidart set forth above in Section 2, Wuidart does not disclose all of the limitations recited in claim 25. Specifically, Wuidart does not disclose a system for determining whether at least one transponder is present in an electromagnetic field generated by an oscillating circuit, comprising a first circuit to measure at least one present value of at least one electrical property of the oscillating circuit, and a second circuit to compare the at least one present value *with at least one previously measured value of the at least one electrical property that was measured when no transponder was present in the electromagnetic field*, as recited in claim 25.

In view of the foregoing, claims 15 and 25, and their respective dependent claims 16-24 and 26-37 patentably distinguish over the art of record, including Wuidart, and are in condition for allowance.


CONCLUSION

In view of the foregoing amendments and remarks, this application should now be in condition for allowance. A notice to this effect is respectfully requested. If the Examiner believes, after this amendment, that the application is not in condition for allowance, the Examiner is requested to call the Applicant's attorney at the telephone number listed below.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 23/2825.

Respectfully submitted,

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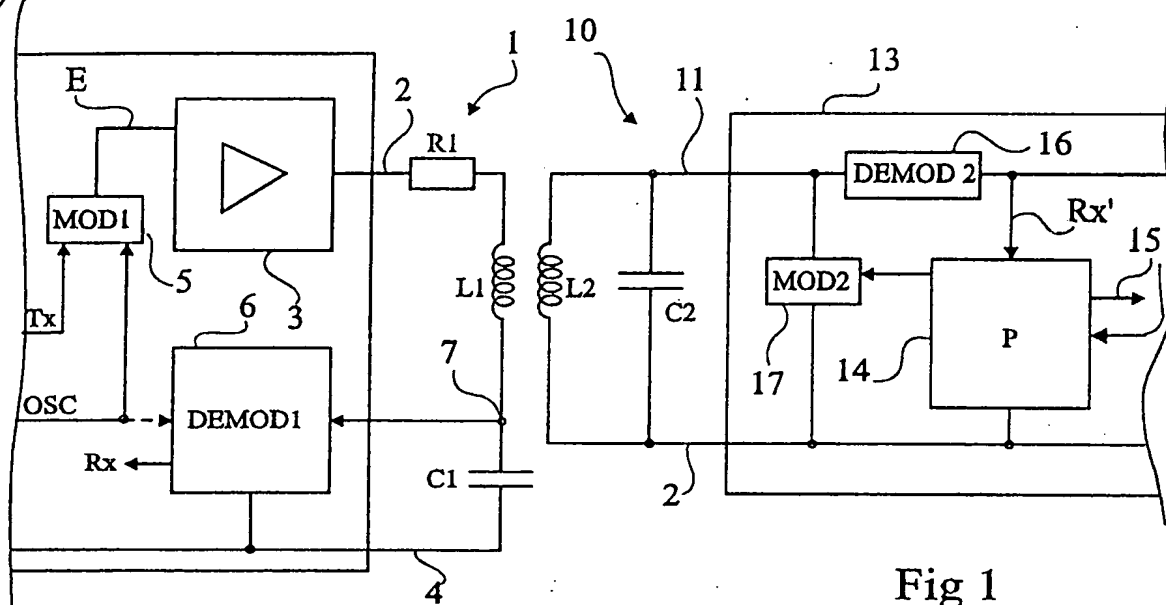


Fig 1

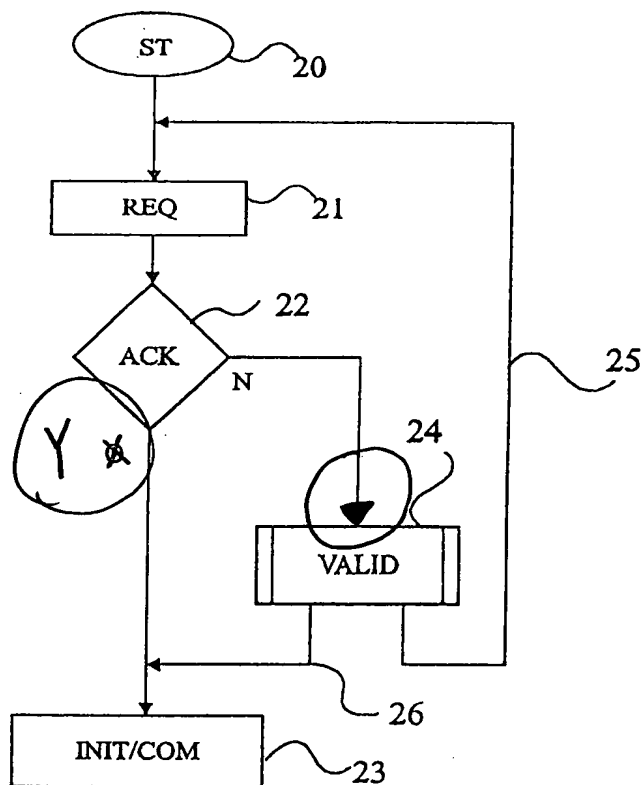


Fig 2

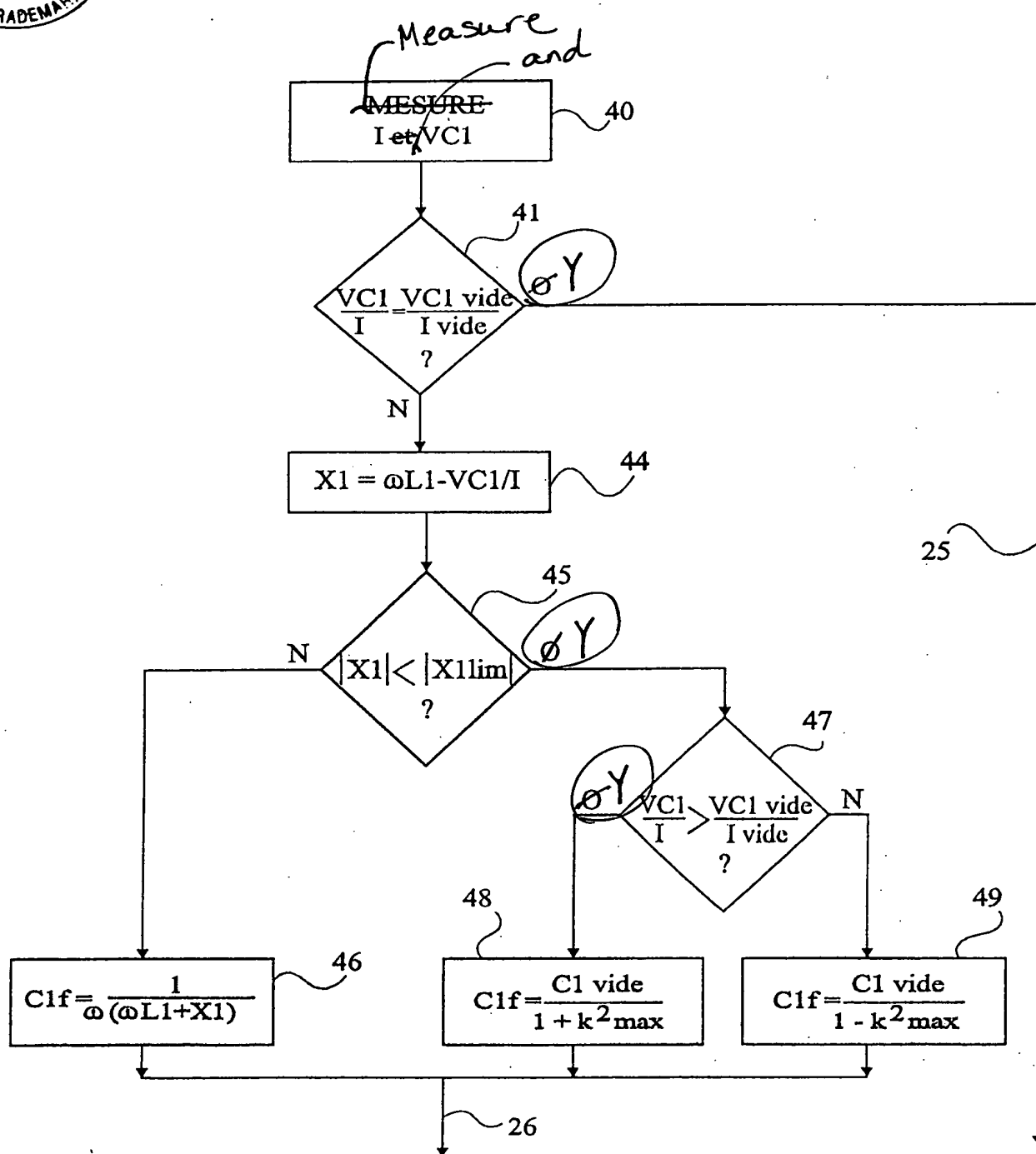
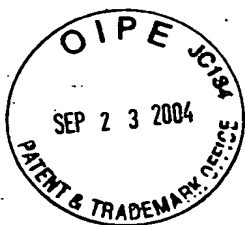


Fig 4